IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 6655 OF 2007
IN
FIRST APPEAL NO. 1466 OF 2007

Maratha Sahayyak Mandal ..Applicant

Vs.

Municipal Corporation of
Gr. Mumbai and anr. ..Respondents

Ms. Nita Mandhyan i/by S.M. Associates for applicant.
Mr. J.J. Xavier for respondent no.1.
Ms. Shilpa M. Nadkarni i/by Mr. S.K. Mali for respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : December 20, 2007.

P.C.:

1. Heard the learned counsel for the applicant who is a tenant of the subject structure which is sought to be demolished and particularly a tin shed admeasuring 30 x 36 ft. (on the open terrace). First Appeal No. 1466 of 2007 came to be dismissed by this court on 3/8/2007 and at the fag end, an oral application was made to stay the demolition for a further period of four weeks on the ground that in the meanwhile the appellant would apply for regularisation

of the structure and, therefore, this court granted four weeks time, which obviously expired on 2/9/2007.

2. This application has been filed on 15/12/2007 i.e. after more than three months from the expiry of the four weeks period granted to submit an application for regularisation. The applicant now claims that such an application has been submitted and at the same time the applicant admits that the Trust is the tenant and the landlord has refused to give consent to apply for regularisation of the tin shed on the terrace.

3. When the applicant-trust is the tenant and the landlord has refused to give consent, there is no question of the Corporation entertaining an application for regularisation and this application has been filed only with an intention to delay the demolition of the illegal structure.

4. Hence, the application is rejected.

(B.H. Marlapalle,J.)